

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LUKE O'BRIEN, et al.,  
Plaintiffs,

v.

AMTRUST NORTH AMERICA, et al.,  
Defendants.

Case No. 24-cv-02279-AMO

**ORDER ISSUING SANCTIONS;  
ORDER TO APPEAR**

Re: Dkt. No. 59

On June 24, 2025, the Court ordered Plaintiffs to file a response to Defendant AmTrust North America's motion to enforce settlement. *See* ECF 58, ECF 59. The Court set a deadline of noon on Monday, June 30, 2025, and warned, "Failure to timely respond will result in personal sanctions for counsel." ECF 59. Plaintiffs did not comply: no response was filed.

Federal Rule of Civil Procedure 16(f) provides that, on its own motion, "the court may issue any just orders . . . if a party or its attorney: . . . (C) fails to obey a scheduling or other pretrial order." Indeed, "federal courts have inherent power to impose monetary or other sanctions in order to control the conduct of the proceedings, protect the 'orderly administration of justice, and to maintain 'the authority and dignity of the court.' " *Smith v. Humboldt Cnty. Sheriff's Off. Corr. Facility*, No. 24-CV-01035-PHK, 2025 WL 41926, at \*6 (N.D. Cal. Jan. 7, 2025) (quoting *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 764-67 (1980)).

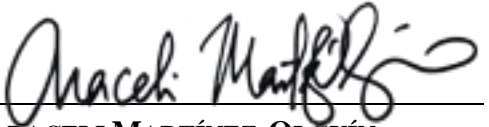
Plaintiffs' counsel's recent failure to file a response is emblematic of the lack of diligence counsel has demonstrated throughout the pendency of this action, including counsel's delay in joining the bar of this District and several other failures to timely submit responses to substantive motions. *See, e.g.*, ECF 28, ECF 32, ECF 39, ECF 53. Enough is enough.

The Court personally **SANCTIONS** counsel for Plaintiffs, James C. Diefenbach, in the amount of **\$500** for his failure to comply with court orders and his failure to diligently litigate this case on behalf of his clients. Mr. Diefenbach shall pay this amount to the Clerk of the U.S. District Court for the Northern District of California by no later than August 1, 2025. The Court **ORDERS** Mr. Diefenbach to self-report this sanction and send a copy of this Order along with an enumeration of all deadlines he missed in this case by no later than August 1, 2025, to the U.S. District Court for the Northern District of California's Standing Committee on Professional Conduct for further investigation pursuant to Civil Local Rule 11-6(a)(1). Within ten (10) business days of this self-reporting, Mr. Diefenbach shall file a certification that he has self-reported as required. Additionally, for the next year, should Mr. Diefenbach find himself practicing law before the Northern District of California, within 14 days of his appearance in any matter, Mr. Diefenbach shall file a notice attaching this Order as well as the enumeration of all deadlines he missed in this case.

Finally, the Court **SETS** Defendant's motion to enforce settlement for hearing on July 17, 2025 at 11:00 a.m. via Zoom. The Court will vacate this hearing if the parties file a stipulation of dismissal prior to noon on Wednesday, July 16, 2025. If Mr. Diefenbach fails to appear at the Zoom hearing, he will face further personal sanctions.

**IT IS SO ORDERED.**

Dated: July 2, 2025

  
ARACELI MARTÍNEZ-OLGUÍN  
United States District Judge